

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

MICHAEL LEE,

Plaintiff,

v.

CIVIL ACTION NO. 1:18-cv-01349

WARDEN, FCI McDowell

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Findings and Recommendation ("PF&R") on November 11, 2018 in which he recommended that the district court construe plaintiff's "Motion to Nunc Pro Tunc Judge's Order Initiating Civil Action After Construing Letter as Bivens Complaint" (ECF No. 4) as a Motion for Voluntary Dismissal and grant the Motion for Voluntary Dismissal, dismiss plaintiff's letter-form complaint (ECF No. 1) without prejudice and remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Aboulhosn's Findings and Recommendation. The failure of any

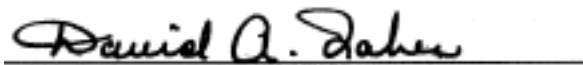
party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections to the Magistrate Judge's Findings and Recommendation within the seventeen-day period. Having reviewed the Findings and Recommendation filed by Magistrate Judge Aboulhosn, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **CONSTRUES** plaintiff's "Motion to Nunc Pro Tunc Judge's Order Initiating Civil Action After Construing Letter as Bivens Complaint" (ECF No. 4) as a Motion for Voluntary Dismissal, **GRANTS** the Motion for Voluntary Dismissal, **DISMISSES** plaintiff's letter-form complaint (ECF No. 1) without prejudice, and **REMOVES** this matter from the court's docket.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiff and counsel of record.

IT IS SO ORDERED this 29th day of August, 2019.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge